



September 6, 2007

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Arthur P. Duffy, P.E.  
Office of Local Assistance  
Department of Transportation  
111 Grand Avenue, 12 Floor  
PO Box 23660  
Oakland CA. 94623-0660

SUBJECT: Annual Anticipated DBE Participation Level Submittal  
FFY 2007/2008

Dear Mr. Duffy:

The amount of the Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein, in accordance with Title 49 of the Code of Federal Regulations, Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The Transportation Authority of Marin has established an **AADPL of 8.0%** for the Federal Fiscal Year 2007/2008, beginning on October 1, 2007, and ending on September 30, 2008.

Methodology

Please see Attachment A.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Bill Whitney, DBELO  
Transportation Authority of Marin  
3501 Civic Center Drive, Room 304  
San Rafael, CA 94903  
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Prompt Pay

Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage, kept by the prime contractor or subcontractor, to a subcontractor. TAM will use the following method:

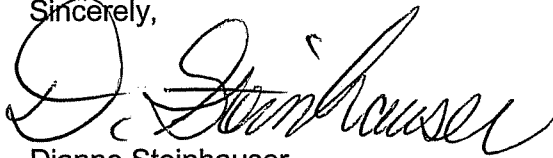
No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from

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holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

If you have any questions or comments please contact Bill Whitney at (415) 507-2810.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Steinhauser", written over a horizontal line.

Dianne Steinhauser  
Executive Director

cc: Bill Whitney

Enclosure: Attachment A

## Attachment A

### Transportation Authority of Marin Federal Fiscal Year 2007/2008 Annual Anticipated DBE Participation Level (AADPL) Development Assumptions

The following federally-funded projects are currently scheduled for FFY 2007/2008 and were used to develop the Annual Anticipated DBE Participation Level (AADPL) for FFY 2007/2008 for the Transportation Authority of Marin (TAM).

Project Title	Estimated Federal Funding
STP-CMA Planning	\$ 530,000
Marin-Sonoma Narrows (Federal Earmark)	\$ 842,000
Streetsmart (NTPP)	\$ 100,000
Total	\$ 1,472,000

#### Methodology:

##### *Step 1 – Establishing the Base Availability Level*

The main categories of work (North American Industrial Classification System, NAICS) applicable to the federally-funded projects scheduled for FY 2007/2008 were defined and assigned a percentage of the total project. The total DBE's (by NAICS code) defined as willing to work either in Marin County or statewide were identified. This data was then refined to DBE subcontractors based within the 7-county market area of Alameda, Contra Costa, Marin, Napa, Solano and Sonoma counties. The 7-county market area was selected based on the County of Marin's experience with federally funded projects since TAM was formed in 2004. This analysis resulted in a base availability level of 8.0% as shown in Table 1 below.

Table 1: Base Availability Levels per NAICS Code for Federally-Assisted Contracts in FY 2007/2008		
NAICS Code 541330: Engineering Services		
County	No. of DBE Contractors (Note 1)	No. of All Contractors (Note 2)
Alameda	33	410
Contra Costa	23	336
Marin	3	71
Napa	0	33
San Francisco	37	261
Solano	6	51
Sonoma	2	133
<b>Market Area Totals</b>	<b>104</b>	<b>1,295</b>
<b>Base Availability Level for NAICS Code 541330 (Total DBE/Total All)</b>		<b>8.0%</b>
Notes		
1. No. of DBE Contractors derived from Caltrans DBE Query		
2. No. of All Contractors derived from Census data per NAICS per County		

### *Step 2 – Adjusting the Base Availability Level*

After establishing the base availability, TAM reviewed and assessed other known relevant evidence to determine what additional adjustments, if any, were needed to narrowly tailor the base goal to TAM's market area and contracting program. Because TAM was formed in 2004 and has very limited experience with federally-assisted contracts, there is no history to draw upon to refine the base availability level. Nor are there any known disparity studies that could be used to more narrowly tailor the level.

### *Step 3 – AADPL*

In consideration of all of the evidence described above, as well as our knowledge of our contracting market, TAM has determined that the appropriate AADPL for FHWA-assisted TAM projects in FY 2007/2008 is 8.0%, reflecting projected market availability of DBE contractors. Table 2 below summarizes the calculation of the AADPL.

<b>Table 2: AADPL Calculation</b>					
<b>Project</b>	<b>Federal Funds for Project</b>	<b>% of Work Relating to NAICS Code</b>	<b>Federal Funds for NAICS Code 541330</b>	<b>Relative Availability of DBE to Total Contractors</b>	<b>Federal Funds Calculated as Available for DBE Participation</b>
STP-CMA Planning	\$ 530,000	100%	\$ 530,000	8.0%	\$ 42,400
Marin-Sonoma Narrows (Federal Earmark)	\$ 842,000	100%	\$ 842,000	8.0%	\$ 67,360
Streetsmart (NTPP)	\$ 100,000	100%	\$ 100,000	8.0%	\$ 8,000
<b>Totals</b>	<b>\$ 1,472,000</b>		<b>\$ 1,472,000</b>		<b>\$ 117,760</b>
<b>AADPL as a Percentage of Total Federal Funds (Fed. Funds Available for DBE/Total Fed. Funds)</b>					<b>8.0%</b>